

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CAUSE NO. 1:17-CV-220-LG-RHW

**\$2,930.00 UNITED STATES CURRENCY,
\$7,900.00 UNITED STATES CURRENCY, and
2008 CHEVY TAHOE, VIN: 1GNFK130X8J224802,**

DEFENDANT PROPERTY

DEFAULT JUDGMENT OF FORFEITURE

Before this Court is Plaintiff United States of America's Motion for Default Judgment of Forfeiture [ECF No. 12]. Having considered the motion and the relevant statutes and jurisprudence in this matter, this Court finds that the relief the United States seeks has merit and should be granted. This Court further finds and adjudicates as follows:

1. On August 7, 2017, the United States filed in the above-styled cause a Verified Complaint for Forfeiture *in Rem* [ECF No. 1]. The Verified Complaint alleges that the above-referenced Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881.

2. On August 8, 2017, the Court issued a Warrant of Arrest *in Rem*. Warrant of Arrest *in Rem* [ECF No. 5].

3. On September 7, 2017, the United States dismissed Defendant Property 2008 Chevy Tahoe, VIN: 1GNFK130X8J224802, from this case [ECF No. 6] because the Drug Enforcement Administration administratively forfeited the vehicle.

4. Beginning on August 10, 2017, the United States published for thirty (30) consecutive days on an official government internet website at www.forfeiture.gov notice of this instant civil asset forfeiture action against the Defendant Property, as evidenced by the Declaration

of Publication [ECF No. 8] filed in this cause on October 30, 2016.

5. The United States mailed pursuant to Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, direct, written notice of this instant civil asset forfeiture action against the Defendant Property, including copies of the Verified Complaint for Forfeiture *in Rem*, Application for Warrant of Arrest *in Rem*, Warrant of Arrest *in Rem*, and Notice of Complaint for Forfeiture, to all potential claimants reasonably known to the United States, as evidenced by the United States' Proof of Service [ECF No. 7], filed with this Court on October 30, 2017.

5. The aforementioned publication and direct notices informed Nicholas Deron Otis, Jennifer Otis, Nakia Labrose Thomas, Ny-Kiesha Halton, NyKiesha Halthonk, Tyron Jerrod Nelson, Dominique Davis, Kristen Marie Faiola, and Anthony W. Faiola, and all other persons or entities, known or unknown, having or claiming an interest in the Defendant Property that the Defendant Property had been arrested and that the instant civil forfeiture action was pending. The publication and direct notice also informed said persons and entities that any persons or entities having or claiming an interest in the Defendant Property had at least thirty-five (35) days after the plaintiff mailed its written, direct notice, or sixty (60) days after the first publication of notice on an official government website, to file a claim and twenty (20) days after filing such claim to file an answer. Furthermore, the notice referred any such persons or entities to Rule G(5) of Supplemental Rules of Admiralty and Maritime Claims and Asset Forfeiture Actions, and warned that if this Supplemental Rule was not strictly followed, the Court could strike any claim and answer and enter default judgment of forfeiture or summary judgment against any improperly claimed interest in the Defendant Property.

6. As of this date, no claim, answer, or appearance in this cause to assert an interest in the Defendant Property, or to otherwise defend against the instant forfeiture action, has been filed by Nicholas Deron Otis, Jennifer Otis, Nakia Labrose Thomas, Ny-Kiesha Halton, NyKiesha Halthonk, Tyron Jerrod Nelson, Dominique Davis, Kristen Marie Faiola, and Anthony W. Faiola, or any other person or entity. Thus, the time for Nicholas Deron Otis, Jennifer Otis, Nakia Labrose Thomas, Ny-Kiesha Halton, NyKiesha Halthonk, Tyron Jerrod Nelson, Dominique Davis, Kristen Marie Faiola, and Anthony W. Faiola, or any other person or entity to file a valid claim or answer in this action has lapsed pursuant to Supplemental Rule G.

7. As such, Nicholas Deron Otis, Jennifer Otis, Nakia Labrose Thomas, Ny-Kiesha Halton, NyKiesha Halthonk, Tyron Jerrod Nelson, Dominique Davis, Kristen Marie Faiola, and Anthony W. Faiola, and all other possible claimants are in total default; the Clerk of Court's October 31, 2017 Entry of Default [ECF No. 11] was proper; and the United States is entitled to a default judgment of forfeiture against the full interests of Nicholas Deron Otis, Jennifer Otis, Nakia Labrose Thomas, Ny-Kiesha Halton, NyKiesha Halthonk, Tyron Jerrod Nelson, Dominique Davis, Kristen Marie Faiola, and Anthony W. Faiola, and all other persons and entities in the Defendant Property, all without the necessity of further notice to Nicholas Deron Otis, Jennifer Otis, Nakia Labrose Thomas, Ny-Kiesha Halton, NyKiesha Halthonk, Tyron Jerrod Nelson, Dominique Davis, Kristen Marie Faiola, and Anthony W. Faiola, or any other person or entity.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [12] Motion for Default Judgment of Forfeiture is **GRANTED**.

IT IS FURTHER ORDERED AND ADJUDGED that:

a. The United States of America is hereby given a default judgment of forfeiture

against the full interests of Nicholas Deron Otis, Jennifer Otis, Nakia Labrose Thomas, Ny-Kiesha Halton, NyKiesha Halthonk, Tyron Jerrod Nelson, Dominique Davis, Kristen Marie Faiola, and Anthony W. Faiola, and all other persons and entities in the Defendant Property described below:

\$2,930.00 United States Currency; and

\$7,900.00 United States Currency.

b. Any administrative claims or interests therein of any entities or persons, including Nicholas Deron Otis, Jennifer Otis, Nakia Labrose Thomas, Ny-Kiesha Halton, NyKiesha Halthonk, Tyron Jerrod Nelson, Dominique Davis, Kristen Marie Faiola, and Anthony W. Faiola, and any other possible claimant are hereby canceled;

c. The Defendant Property is referred to the custody of U.S. Marshals Service for disposition in accordance with the relevant law and regulations.

SO ORDERED AND ADJUDGED this the 6th day of December, 2017.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.

UNITED STATES DISTRICT JUDGE